

STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD

In the Matter of)	CASE NO. OSH 2004-7
)	
DIRECTOR, DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS,)	ORDER NO. 107
)	
Complainant,)	PRETRIAL ORDER
)	
vs.)	
)	
CENDANT CAR RENTAL GROUP dba)	
AVIS CAR RENTAL,)	
)	
Respondent.)	

PRETRIAL ORDER

Pursuant to the representations by counsel for the respective parties at an initial conference held by the Hawaii Labor Relations Board (Board) on August 11, 2004, IT IS HEREBY ORDERED THAT:

1. The issues to be determined are:
 - a. Citation 1, Item 1 - 29 CFR 1910.304(f)(5)(v)(C)(1)
 - (1) Whether or not 29 CFR 1910.304(f)(5)(v)(C)(1) applies.
 - (2) Whether or not there was a failure to comply with 29 CFR 1910.304(f)(5)(v)(C)(1) at the time of the inspection.
 - (3) Whether or not Respondent knew or should have known of the allegedly violative condition at the time of the inspection.
 - (4) Whether or not 29 CFR 1910.304(f)(5)(v)(C)(1) was violated at the time of the inspection.
 - (5) If 29 CFR 1910.304(f)(5)(v)(C)(1) was violated as alleged, whether or not the characterization of the violation as "serious" is appropriate?

- (6) If 29 CFR 1910.304(f)(5)(v)(C)(1) was violated as alleged, whether or not the penalty imposed for such alleged violation is appropriate.

b. Citation 1 Item 2 - 29 CFR 1910.305(b)(1)

- (1) Whether or not 29 CFR 1910.305(b)(1) applies.
- (2) Whether or not there was a failure to comply with 29 CFR 1910.305(b)(1) at the time of the inspection.
- (3) Whether or not Respondent knew or should have known of the allegedly violative condition at the time of the inspection.
- (4) Whether or not 29 CFR 1910.305(b)(1) was violated at the time of the inspection.
- (5) If 29 CFR 1910.305(b)(1) was violated as alleged, whether or not the characterization of the violation as "serious" is appropriate.
- (6) If 29 CFR 1910.305(b)(1) was violated as alleged, whether or not the penalty imposed for such alleged violation is appropriate.

2. Discovery deadlines are:

Live witness identification September 10, 2004

Discovery cut-off October 11, 2004

3. Trial is scheduled on November 1, 2004 at 9:30 a.m. in the Board's hearing room, Room 434, 830 Punchbowl Street, Honolulu, Hawaii.
4. Hereafter, this Pretrial Order shall control the course of proceedings and may not be amended except by consent of the parties and the Board, or by order of the Board.

DATED: Honolulu, Hawaii, August 11, 2004.

HAWAII LABOR RELATIONS BOARD


BRIAN K. NAKAMURA, Chair

DIRECTOR, DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS v. CENDANT CAR
RENTAL GROUP dba AVIS CAR RENTAL
OSH 2004-7
ORDER NO. 107
PRETRIAL ORDER


CHESTER C. KUNITAKE, Member


KATHLEEN RACUYA-MARKRICH, Member

NOTICE TO EMPLOYER

You are required to post a copy of this Order at or near where citations under the Hawaii Occupational Safety and Health Law are posted at least five working days prior to the trial date. Further, you are required to furnish a copy of this Order to a duly recognized representative of the employees at least five working days prior to the trial date.

Copies sent to:

Robyn M. Kuwabe, Deputy Attorney General
Ronald Y. K. Leong, Esq.